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**GERALD M. MOODY
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October 13, 2005

Clerk's Office
U.S. District Court
District of Massachusetts
Harold D. Donohue Federal Building and Courthouse
595 Main Street, Suite 502
Worcester, MA 01608

RE: GRAFTON & UPTON RAIL COMPANY
VS.
TOWN OF MILFORD
USDC WORCESTER CA NO. 03-40291-NMG

Dear Sir/Madam:

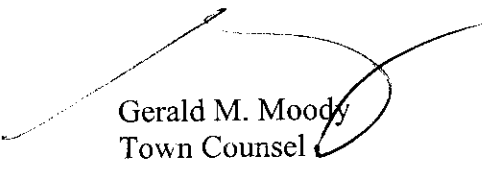
This letter is to inform the Court that counsel for the Plaintiff, Richard A. Davidson, Jr., and counsel for the Defendants spoke this date in relation to Discovery. At the Status Conference held before the Court on February 11, 2005 dates were set in March and April for filing of dispositive motions and then a schedule was set in relation to Discovery if the matter was not disposed upon on then pending motions. The Discovery deadline was set for August 3, 2005 with expert designations by the Plaintiffs on September 30, 2005.

Counsel for both parties agree and understand that the Court has, because of its work-load, not been able to address dispositive motions. The understanding both counsel had was that Discovery would and should await decision on those motions. Therefore counsel have agreed that if the matter is not disposed of on the still pending motions they will attempt to work out a new discovery deadline with the Court if the matter is to proceed to trial. There is currently scheduled a pre-trial conference for November 14, 2005 at which a new schedule can be established if still necessary.

Thank you for your anticipated cooperation.

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Very truly yours,



Gerald M. Moody
Town Counsel

GMM/jlg

cc: Richard A. Davidson, Jr., Esq.